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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/586,824 06/05/00 WILLIAMS D 17564-118 DI

EXAMINER

MMC1/0409

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ART UNIT	PAPER NUMBER

2854

DATE MAILED:

04/09/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/586,824

Applicant(s)
Williams

Examiner
Ren Yan

Group Art Unit
2854



☒ Responsive to communication(s) filed on Jun 5, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-24 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-24 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☒ received in Application No. (Series Code/Serial Number) 08/983,621.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The recitation in claim 9 that requires "the inner wall is of greater length and height than the outer wall" does not have proper support in the specification as originally filed.

Claims 3 and 8 are objected to for the following reasons:

Claim 3 appears to claim the combination of a stencil and its support frame because it requires the stencil to be mounted on the support frame. Since the parent claim 1 is only limited to a stencil by itself, it appears that dependent claim 3 is not presented in a proper format.

In claim 8, line 5, the word "or" should perhaps be changed to --of-- in order to correct an apparent oversight.

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 8-23 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. Patent No. 6,067,903 in view of

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Krueger, Jr.(3,416,445). The patent to Krueger, Jr. teaches a stencil tensioning apparatus including a stencil having apertures provided on each of the 4 peripheral edges and projections provided to engage with the apertures on each of the peripheral edges so as to tension the stencil in all four directions. In view of the teaching of Krueger, Jr., it would have been obvious to one of ordinary skill in the art to provide the stencil tensioning apparatus of the U.S. patent 6,067,903 with apertures and projections around all 4 peripheral edges of the stencil and structure appropriately disposed to tension the stencil in all four directions in order to obtain a better tensioned stencil and achieve improved printing quality.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Krueger, Jr.

The patent to Krueger, Jr. teaches the structure of a stencil as claimed including a stencil having four peripheral edges and each of the four edges is provided with a plurality of receiving apertures 16 which are engaged with projections 21 and 22 provided on the support frame 20. See Figs. 2 and 3 in Krueger, Jr. for details.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 6, 7 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krueger, Jr. in view of Williams(5,979,312). The receiving apertures of Krueger, Jr. are circular holes. The patent to Williams teaches in a stencil tensioning apparatus the conventionality of providing the stencil with receiving apertures in a shape of elongated slots separated by a plurality of elongated strips. See Fig. 1 of Williams for example. In view of the teaching of Williams, it would have been obvious to those having ordinary skill in the art to provide the stencil of Krueger, Jr. with a plurality of elongated slots appropriately disposed as taught by Williams in order to achieve more even tensioning along the peripheral edges of the stencil. With respect to claim 4, to make the four peripheral edges of the stencil in equal length so as to obtain a square shaped stencil as opposed to a rectangular shaped stencil shown by the applied prior art based upon the shaped of the image desired to be printed would have been most obvious to those having ordinary skill in the art.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ren Yan whose telephone number is (703) 308-0978. The examiner can normally be reached on weekdays from 8:30AM to 5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hilten, can be reached on (703) 308-0719. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-5841.



Ren Yan
Primary Examiner
Art Unit 2854

Ren Yan
April 5, 2001